

1 MR. GREENEBAUM: We're talking a lot about conclu-
2 sions and in the end you have to draw --

3 JUDGE SIPPEL: I know.

4 MR. GREENEBAUM: -- conclusions. I don't believe
5 the evidence should be in or out on what counsel concludes it
6 says. And different people could view this evidence in fairly
7 different ways. And I think at this point we should have the
8 benefit of the inference, or at least on cross-examination, to
9 put it into the record. And I, I don't want to burden the
10 record. I'm prepared to put in -- I -- want to improve the
11 record. I'm prepared to put in from page 76 through page 81,
12 the same as if he testified to it here today, and put in the
13 tabs, and then I'm happy.

14 MS. SCHMELTZER: But, Your Honor, that -- if --
15 those pages would not make any sense without the actual notes
16 which you've rejected.

17 MR. GREENEBAUM: I, I said put in the tabs. I've
18 asked the Court to reconsider --

19 JUDGE SIPPEL: He's asked me to reconsider.

20 MS. SCHMELTZER: And I thought there was not going
21 to be -- we were not going to be engaged in reconsideration?

22 JUDGE SIPPEL: Well, I, I did it -- may be --

23 MR. GREENEBAUM: I made the point at the time,
24 because I thought Your Honor was ruling without having the --

25 JUDGE SIPPEL: I --

1 MR. GREENEBAUM: -- benefit of this.

2 JUDGE SIPPEL: I hear it. That's true. It is true.
3 I am going to continue, however, to, to reject this evidence
4 on the basis of Rule 403. And I think that at a minimum the
5 inference can be drawn equally with respect to your point, Mr.
6 Greenebaum, and with respect to the point that Ms. Schmeltzer
7 makes, and that is that, as I initially view this, that
8 anybody that can control the doling out of money on behalf of
9 the corporation is pretty closely identified with the
10 corporation in terms of, of controlling it, and I don't think
11 that that's going to -- I don't think that's going to advance
12 this issue.

13 MR. GREENEBAUM: Well --

14 JUDGE SIPPEL: It's going to confuse more than it's
15 going to help, and I'm going to have to make those kinds of
16 distinctions --

17 MR. GREENEBAUM: I'm not in the habit of arguing
18 after the Court's ruled.

19 JUDGE SIPPEL: Good.

20 MR. GREENEBAUM: I just want to make the points
21 that, that in these pages I've given to you it's clear that
22 other employees who were not owners took out loans.

23 JUDGE SIPPEL: I understand that. But they didn't
24 get loan from themselves, they got loans because these people
25 sat around and decided they would get the money.

1 MR. GREENEBAUM: That's true.

2 JUDGE SIPPEL: And that -- well, that's a big -- to
3 me, I mean, that, that impresses me considerably, and I, I,
4 I'm -- I say, in fairness to the record -- well, it's -- as I
5 say, it's a, it's a Rule 403 ruling. So, it's as simple as
6 that.

7 MR. GREENEBAUM: And if we could --

8 JUDGE SIPPEL: It's excluded.

9 MR. GREENEBAUM: -- proffer -- Your Honor.

10 JUDGE SIPPEL: Well, you've made your -- I think
11 you've made your proffer. You, you want to put the proffer in
12 as I suggested? I mean, with --

13 MR. GREENEBAUM: I don't think it's --

14 JUDGE SIPPEL: -- those --

15 MR. GREENEBAUM: I don't think I need to. If Your
16 Honor wants --

17 JUDGE SIPPEL: Well, I don't think so.

18 MR. GREENEBAUM: -- me to, I will.

19 JUDGE SIPPEL: No. I'm not -- I'm saying that I
20 think that your proffer is very clear and I, I don't think we
21 need to spend any more time on it. Okay. Let's go off the
22 record so the witness can come back.

23 MR. GREENEBAUM: I think there's one more.

24 JUDGE SIPPEL: I'm sorry.

25 MR. GREENEBAUM: There are two more items, essen-

1 tially. One, the reporter asked me a question when I came in
2 today, and I think it needs your attention. I think we ought
3 to do it at the end of the day, and that is there may be some
4 confusion in her mind as she's marked Exhibit 40, which is the
5 stipulation and the tabs, and I didn't want to tell her what
6 you had ruled in or out. And we ought to get that straight
7 before we leave today by doing a pass on -- the --

8 JUDGE SIPPEL: Sure.

9 MR. GREENEBAUM: -- probably.

10 JUDGE SIPPEL: Is this over and above the No. 39
11 that we talked about this morning?

12 COURT REPORTER: My question is that No. 40 was the
13 stipulation and that the stipulation contained the documents
14 as attachments.

15 JUDGE SIPPEL: That's correct.

16 COURT REPORTER: Okay. So --

17 JUDGE SIPPEL: We'll, we'll straighten that out.
18 Thank you, Mr. Greenebaum.

19 MR. GREENEBAUM: And, and the last thing is there's
20 been a lot of testimony, a lot. There's been some kind of
21 references to the Application or the documents attached to the
22 Application in this case, and that's not an exhibit. I know
23 some counsel think it doesn't have to be; some think it should
24 be. And I guess I'm just raising that as something we ought
25 to discuss before we close.

1 JUDGE SIPPEL: Okay. You got -- you've already got
2 a significant portion of the Form 301 that you've shown to
3 this witness.

4 MR. GREENEBAUM: I think that's right.

5 JUDGE SIPPEL: Is that the document that you were
6 referring to?

7 MR. GREENEBAUM: Yes, Your Honor.

8 JUDGE SIPPEL: And if that, if that were received in
9 evidence at this time, would that, would that answer all the
10 questions that you might have?

11 MR. GREENEBAUM: I, I believe it would.

12 JUDGE SIPPEL: All right. Then let's mark it and
13 bring it in. This would be your next document, which is
14 Number --

15 MR. GREENEBAUM: I'm going to get to a -- I haven't
16 been right on these numbers yet.

17 JUDGE SIPPEL: The numbers game is not your game.
18 This is Scripps Howard No. --

19 MS. SCHMELTZER: 46.

20 JUDGE SIPPEL: -- 46.

21 MS. SCHMELTZER: Or is it 36?

22 MR. GREENEBAUM: No, thir--

23 MS. SCHMELTZER: 35 was a back throw.

24 MR. ZAUNER: It was a missed, missed number.

25 MR. GREENEBAUM: It was a back throw.

1 MS. SCHMELTZER: Now we're going to 46?

2 MR. ZAUNER: 46.

3 MR. GREENEBAUM: Ms. Schmeltzer, I'm going to take
4 and --

5 JUDGE SIPPEL: All right. It's identified.

6 (Whereupon, the document referred to
7 as Scripps Howard Exhibit No. 46 was
8 marked for identification.)

9 JUDGE SIPPEL: This is a document which is dated
10 September 3, 1991, that is the Form 301 Application of the
11 Four Jacks Broadcasting, Inc. It's, it's a copy. And it's
12 identified and it has been testified to by Mr. Robert Smith.

13 MR. GREENEBAUM: For the record, Your Honor, it does
14 --

15 JUDGE SIPPEL: And -- yes?

16 MR. GREENEBAUM: -- doesn't include all the attach-
17 ments, such as the engineering things and things of that
18 nature.

19 JUDGE SIPPEL: I recognize that. And it will be --
20 I think the document will be self-evident in terms of how
21 complete it is.

22 MR. GREENEBAUM: I, I think it will too. I just
23 didn't want --

24 JUDGE SIPPEL: I appreciate that. It's identified
25 and received in evidence at this time as Scripps Howard

1 No. 46.

2 (Whereupon, the document marked for
3 identification as Scripps Howard
4 Exhibit No. 46 was received into
5 evidence.)

6 JUDGE SIPPEL: Now, can we bring Mr. Smith back in?

7 MR. GREENEBAUM: Yes, Your Honor.

8 JUDGE SIPPEL: Go off the record for a minute.

9 (Off the record.)

10 (Whereupon, the witness was recalled to the
11 courtroom.)

12 (On the record.)

13 JUDGE SIPPEL: Okay. We're back on the record. The
14 witness is -- has taken the stand again. You wanted to
15 comment with respect to which is -- what is now in as Scripps
16 Howard No. 46, Ms. Schmeltzer?

17 MS. SCHMELTZER: Right. With respect to the Appli-
18 cation. Of course, it has been amended a number of times over
19 the years and I just want that to be reflected in the record.

20 JUDGE SIPPEL: Right. Okay. We, we accept that
21 clarification. Just, Mr. Smith, in your absence there was a
22 discussion and debate about the use of -- introduction of some
23 promissory notes and some questions of you with respect to
24 loans that the company made, and I have excluded that evi-
25 dence. So, we're going forward with the next category of

1 | information.

2 | BY MR. GREENEBAUM:

3 | Q Mr. Smith, as part of the group that oversees the
4 | management of the subsidiaries of Sinclair Broadcasting Group,
5 | Inc., what are your specific duties on a day-to-day basis as
6 | Vice President and Treasurer of Sinclair?

7 | A Specific duties?

8 | Q Yes.

9 | A There are no specific duties.

10 | Q Would you agree that it's a group process rather
11 | than individuals having specific assignments and
12 | responsibilities?

13 | A I would say generally that's correct.

14 | Q And you don't have a job description which delin-
15 | eates what you do on a day-to-day basis?

16 | A No, I don't.

17 | Q And when was it that you transitioned, as you put in
18 | your Deposition, to the executive committee with your brothers
19 | following the -- your year and a half as Program Manager at
20 | WBFF and into the current situation, as you describe it?

21 | A '88, somewhere in there.

22 | Q And what was your title at that time?

23 | A After I went to SBG or --

24 | Q After.

25 | A I believe it's the same as it is now.

1 Q And your duties and the way you've operated have
2 been essentially the same in the interim?

3 A Yes.

4 Q And after you transitioned to the company executive
5 committee, as you call it, that was the management team ap-
6 proach that you and your brothers use, is that right?

7 A Yes.

8 MS. SCHMELTZER: I'm going to --

9 BY MR. GREENEBAUM:

10 Q Could you give us a snapshot of your working day?
11 What time do you start?

12 A Varies. Sometimes 9:00, sometimes 10, sometimes
13 eight, sometimes noon.

14 Q Do you have regular working hours?

15 A No.

16 MR. GREENEBAUM: Mr. Smith, let me address you to
17 page 50 of your Deposition dated July 28, 1993. Page 50, line
18 21, Your Honor.

19 BY MR. GREENEBAUM:

20 Q Mr. Smith, do you recall I asked you this question
21 on page 50, line 21, of your Deposition of July 28, 1993:
22 "Would you give us a snapshot of your working day? What time
23 do you start?"

24 Page 51, answer: "It would be a blurry picture
25 because it's never the same."

1 Question: "Why don't you blur it for me as best you
2 can and then I'll try to clarify."

3 Answer: "The typical day is atypical. There are
4 times when I go in and will be seen there. There will be just
5 a myriad of things to talk about, things to go over, things to
6 plan for, things to discuss. Other times there won't be
7 anything at all for a day. It will just be business as
8 usual."

9 Question: "Do you have regular work hours?"

10 Answer: "Hmm."

11 Question: "What are they?"

12 Answer: "Nine to five."

13 Question: "Do your brothers who coordinate with you
14 on this management approach have regular work hours?"

15 Answer: "On the what approach?"

16 Question: "Coordinate with you on this management
17 team approach, have regular work hours as well?"

18 Answer: "Hmm."

19 Question: "What are they?"

20 Answer: "Same as mine."

21 Page 52, question: "So, everybody has nine to
22 five?"

23 Answer: "Or whatever it takes to get the job done.
24 If we have to stay late or come early, to leave later, or
25 whatever."

1 Do you recall being asked those questions and
2 answers at that time?

3 A Yes.

4 Q -- giving them? And were they true and accurate to
5 the best of your knowledge and ability then?

6 A I would just say that nine to five in my mind was a
7 generic term. Sometimes it is nine to five. Sometimes it's,
8 like I said a minute ago, noon to eight, whatever.

9 Q Do you recall giving these answers at that time?

10 A Yes.

11 Q And there's nothing in your mind that would make
12 them inaccurate today, is there?

13 A Not that I can think of.

14 Q Thank you. Now, sir, have you done anything for
15 WTTTO?

16 A About the only thing I've done for TTTT is sign off
17 on batch logs, purchase order requests.

18 Q What kind of purchase order requests --

19 A And the supervisor's manual.

20 Q I'm sorry. What kind of purchase order requests
21 have you signed?

22 A I couldn't tell you.

23 Q Could you look at page --

24 A There's a whole, there's a whole lot of them that
25 come down.

1 Q Could you look at page 22 of your Deposition of July
2 20, 1994?

3 A I'm sorry. What page?

4 Q Page 22, line 17. "Have you done anything else for
5 WTTO?"

6 Answer: "I haven't even been there."

7 Question: "Even though you haven't been there, have
8 you done anything else for it or in connection with it in any
9 respect whatsoever?"

10 Answer: "Signed off on purchase order requests."

11 Question: "What kind of purchase order requests
12 have you signed?"

13 Answer: "You name it: equipment, supplies. Nobody
14 spends any money unless they ask us."

15 A That's correct.

16 MS. SCHMELTZER: Your Honor, that's what the witness
17 just testified. I don't understand why we're going through
18 all of this stuff that's just repeating what the witness just
19 testified.

20 JUDGE SIPPEL: Is, is there an objection?

21 MS. SCHMELTZER: Yes. I don't understand where
22 we're going with this.

23 JUDGE SIPPEL: Well, that's -- I'm, I'm going to
24 overrule the objection. Go ahead, Mr. Greenebaum.

25 MR. GREENEBAUM: Now, what did you mean by the term,

1 "Nobody spends any money unless they ask us."?

2 MS. SCHMELTZER: Where, where are you referring, Mr.
3 Greenebaum?

4 MR. GREENEBAUM: I'm referring to his answer, line 3
5 on page 23.

6 WITNESS: In general --

7 MS. SCHMELTZER: Wait, wait. Objection. Your
8 Honor, here we're going to a station that we just acquired.
9 This is between -- this is testimony in July '94 as to a
10 station that was acquired in 1994. I don't think this has
11 anything to do with the issue that's before us today.

12 JUDGE SIPPEL: Well, it -- I'm taking it in the
13 nature of cross-examination, that -- he's -- Mr. Greenebaum is
14 exploring, establishing -- seeking to establish for the record
15 through evidence exactly what the nature, with as much preci-
16 sion as he can, in these narrow areas what -- exactly how
17 these four individuals acted within the company and how --
18 and, and, and how they acted with respect to company
19 operations.

20 MS. SCHMELTZER: This is 1994. That's not -- how
21 they acted with respect to --

22 JUDGE SIPPEL: Well, that goes to the weight.

23 MS. SCHMELTZER: -- WTO in 1994 has nothing to do
24 with what led to the addition of the issue in this case.

25 JUDGE SIPPEL: That, that, that goes to the, to the

1 -- to, to the weight of the evidence. But it is cross-
2 examination and I'm going to permit it. I'm going to give him
3 the leeway to, to pursue this line. Go ahead, Mr. Greenebaum.

4 BY MR. GREENEBAUM:

5 Q What did you mean by the phrase, "Nobody spends any
6 money unless they ask us."?

7 A In terms of, in terms of purchase order requests,
8 every purchase order runs by us.

9 Q And that's from all your subsidiary stations, is it
10 not?

11 A That's correct.

12 Q So, you and your brothers maintain control over
13 whatever is spent at the subsidiaries by virtue at least of
14 purchase orders?

15 A That's correct.

16 Q What is the process? How do they come to you all
17 for review and approval if that's the case?

18 A For example, if a promotion manager wants to spend
19 \$10,000 to buy radio time to promote the TV station, he'll go
20 to the business office at that station. He'll fill out a
21 purchase order request. The business manager's assistant will
22 put it on a batch log for all the purchase orders of the
23 station for that day. That will be faxed to us and we will
24 look at it. It's a summary page. It summarizes all the
25 purchase orders for that day. We'll look at it, approve it or

1 disapprove it.

2 Q How long has that process been in effect?

3 A I remember why it was put into effect. I'm trying
4 to tie the date and the person and all the events together.
5 It's been four years, five years.

6 Q And who is at Sinclair that has the final approval
7 for these purchase orders that are funnelled up on a daily
8 basis?

9 A The person that has the final approval is the second
10 person to see it.

11 Q Between you -- meaning you or your brothers?

12 A Correct.

13 Q Who pays your brother David Smith's salary?

14 A Who pays his salary?

15 Q Right.

16 MS. SCHMELTZER: Objection, Your Honor. He hasn't
17 established that Mr. David Smith is paid a salary. There's no
18 foundation for the question.

19 JUDGE SIPPEL: Mr. Greenebaum, I thought we went
20 through this yesterday.

21 MR. ZAUNER: Yes.

22 MS. SCHMELTZER: We did this for David Smith.
23 That's correct.

24 MR. ZAUNER: I think that would be my objection,
25 Your Honor, that this has really been covered already yester-

1 day with the -- with David Smith himself.

2 JUDGE SIPPEL: Yeah, but there may be another reason
3 why Mr. Greenebaum wants to ask --

4 MR. ZAUNER: Well, let's get to the --

5 JUDGE SIPPEL: -- the question.

6 MR. ZAUNER: -- other reason. Let's avoid the
7 preliminaries again.

8 MR. GREENEBAUM: Your Honor, we'll --

9 MR. ZAUNER: Again, I understand there might be some
10 hidden necessity --

11 MR. HOWARD: An objection -- one that says no
12 foundation. You say let's get to the question.

13 JUDGE SIPPEL: Anyway, the objection is overruled,
14 so we can go forward --

15 BY MR. GREENEBAUM:

16 Q Let me just stay with that question, then I'll go
17 back. Who pays David Smith's salary?

18 A How do you define salary?

19 Q Does he get a set salary every two weeks the way you
20 do?

21 A As far as I know, yes, he does.

22 Q Does that come from Sinclair?

23 A Sinclair Broadcast Group.

24 Q And Sinclair also pays David's salary?

25 MS. SCHMELTZER: That was --

1 WITNESS: I think you just asked that.

2 MS. SCHMELTZER: Objection.

3 MR. GREENEBAUM: I'm sorry.

4 JUDGE SIPPEL: Asked and answered.

5 MR. GREENEBAUM: Fred's salary.

6 WITNESS: Answer's the same.

7 MR. GREENEBAUM: Now, let me ask you to look at
8 Tab 2.

9 JUDGE SIPPEL: This is Tab 2 of Exhibit 40. Is that
10 correct, Mr. Greenebaum?

11 MR. GREENEBAUM: Yes, Your Honor. And I think --
12 direct you to a specific page. Why don't you look at FJC0009,
13 which is a filing of the Maryland State Unemployment on behalf
14 of Sinclair Broadcast Group, which has been stipulated to and
15 -- admitted into evidence for the quarter ended December 31,
16 '91. Do you see that?

17 WITNESS: You call it the Maryland Unemployment? I
18 don't see where it says Maryland Unemployment on there any-
19 where.

20 JUDGE SIPPEL: Is your -- page number is 0009?

21 BY MR. GREENEBAUM:

22 Q Why don't you look at FJC0005, if you would? Do you
23 see the, do you see the check there payable to Maryland
24 Unemployment the bottom of the page?

25 A Okay. You're referring to the check. Yes, I see

1 that.

2 Q And as you look on the preceding page, FJC0004, it's
3 the cover sheet. If you look at the bottom left-hand corner
4 in the block 11 where it says "net payment due"? It says
5 "Make checks payable to Maryland Unemployment Insurance Fund."
6 Do you see that?

7 A Down in the bottom left?

8 Q Yes.

9 A Yes, I see that.

10 Q Okay. Now, if you look now at FJC0009, do you
11 recognize all of the people under the column "Name of
12 Employee" as having been with Sinclair at December 31, 1991?

13 A Yes.

14 Q And you see your name there and your Social Security
15 number as well in that group?

16 A Yes.

17 Q And your brothers also?

18 A Yes.

19 Q And are all the people in the column under "Name of
20 Employee" paid a salary every two weeks by Sinclair Broadcast
21 Group, Inc.?

22 A As far as I know, yes.

23 Q Now, does Sinclair Broadcast Group, Inc., have any
24 employees -- or did it have any employees since 1991 -- I
25 guess -- let me rephrase it.

1 Does Sinclair Broadcast Group have any employees as
2 of December 31, 1991, other than those listed on this form,
3 page FJC0009?

4 A That's three years ago. I, I've got to go by what
5 the paper says.

6 Q Take a look at FJC0005, which would be date quarter
7 ended December 31, 1993. Were all the people there under the
8 "Name of Employee" employees of Sinclair Broadcast Group,
9 Inc., as of that date?

10 A Well, the distinction you could make is how we
11 define ourselves versus these folks. And like I said before,
12 this is the way the form is. That's why we're on this list.
13 But everyone else --

14 Q My question is --

15 A -- there is an employee of Sinclair Broadcast Group,
16 yes.

17 Q And in your direct testimony in connection with the
18 hearing that brings us here today, on paragraph 7 you referred
19 to "true employees" of the company. Do you recall that, sir?

20 A I want to see it first.

21 JUDGE SIPPEL: You have -- you could have that in
22 front of you.

23 WITNESS: I think I have. Page 7?

24 BY MR. GREENEBAUM:

25 Q No. Paragraph 7 of page --

1 A Paragraph.

2 Q -- 3.

3 A Exhibit 27 --

4 Q --

5 A -- are you looking at? I'm sorry. Exhibit 27?

6 Q Exhibit 27.

7 A Paragraph 7, page 3.

8 Q Yes.

9 A Okay.

10 Q Fourth line from the top includes the phrase "true
11 employees".

12 MS. SCHMELTZER: From the top?

13 MR. GREENEBAUM: From the bottom. I'm sorry.

14 WITNESS: I'm not with you.

15 JUDGE SIPPEL: Find the sentence -- it's -- what is
16 it, the third sentence of paragraph 7. So, it starts off with
17 the words, "For ease of administration..."

18 WITNESS: Yes.

19 JUDGE SIPPEL: Just read that sentence to yourself.
20 Okay. Read the sentence? See where it says "true employees"?

21 WITNESS: Yes.

22 JUDGE SIPPEL: All right. Mr. Greenebaum?

23 MR. GREENEBAUM: What is your understanding of the
24 term "true employees" and where does it come from?

25 WITNESS: I think what we're --

1 MR. ZAUNER: I was just going to say objection,
2 compound question --

3 MR. GREENEBAUM: What is your understanding -- I
4 mean -- let me back -- I'm asking my --

5 JUDGE SIPPEL: He's going to rephrase.

6 MR. GREENEBAUM: What is the basis for your defini-
7 tion of "true employees"?

8 WITNESS: I think what we're trying to say and help
9 Scripps Howard to distinguish is the difference between how we
10 view ourselves as Executive Officers and owners who behave in
11 a corporation in one manner and everyone else. I would say
12 that everyone else would be considered the "true employees" in
13 this sense and that they "punch a time clock." They have
14 managers that supervise them, et cetera. I think that's what
15 we're trying to say there.

16 MR. GREENEBAUM: Have you seen the phrase "true
17 employees" used in connection with any business record of
18 Sinclair Broadcast Group, Inc., at any time under any circum-
19 stances other than in this document?

20 MS. SCHMELTZER: Objection.

21 JUDGE SIPPEL: I'm going to overrule the objection.
22 Answer the question.

23 WITNESS: I don't remember.

24 BY MR. GREENEBAUM:

25 Q Does -- what is David Aimy's (phonetic sp.) role?

1 A He's the Comptroller of the company.

2 Q Does he punch a time clock?

3 A No.

4 Q Any of these people punch a time clock?

5 A No, I don't think so.

6 MR. ZAUNER: He -- you're asking whether they

7 physically punch a time--

8 MR. GREENEBAUM: Yes. Is there anyone that keeps

9 track of their time on a day-to-day basis where they're logged

10 in and out when you come and go?

11 WITNESS: Not that I know of.

12 (Pause.)

13 MR. GREENEBAUM: -- one moment.

14 JUDGE SIPPEL: All right. Let's go off the record.

15 (Off the record. On the record.)

16 BY MR. GREENEBAUM:

17 Q Has the amount of time that you spent at Sinclair

18 been the same ever since you started working there or has it

19 changed from time to time?

20 A By definition it changes from time to time.

21 Q Your definition is changed --

22 A By the way we operate it changes, like we said all

23 along -- like I've said all along.

24 Q I'm talking the amount of --

25 A Some days it's more than others.

1 Q -- time you physically spend there. Has that been
2 the same?

3 A Yes.

4 Q Take a look at Exhibit 40, Tab 4, please?

5 A Did you say 40?

6 Q Exhibit 40, that book, Tab 4.

7 A It only goes up to 34.

8 Q Tab 4.

9 A You said 4, not 40.

10 JUDGE SIPPEL: Just so that you're -- the record is
11 clear, the exhibit is Exhibit 40 and the --

12 WITNESS: Oh, okay.

13 JUDGE SIPPEL: -- each of the little tabs --

14 WITNESS: I was looking for the tab.

15 JUDGE SIPPEL: Okay. I understand.

16 WITNESS: Thank you. Okay.

17 MR. GREENEBAUM: Do you recognize these as W-4's you
18 received from Sinclair -- W-2's -- for the years 1991, 1992,
19 and 1993?

20 MR. ZAUNER: Objection. That's already been stipu-
21 lated to.

22 JUDGE SIPPEL: Well, I'm going to permit it on
23 cross-examination. That's what we're here for. Overruled.

24 BY MR. GREENEBAUM:

25 Q Do you, sir?

1 A What was the question?

2 Q Do you recognize these as W-2's you received from
3 Sinclair for the years 1991, 1992, and 1993?

4 A Like I said I think in my deposition, I don't, I
5 don't think I've ever looked at any of these things. So, I'm
6 going by what it says here.

7 Q Well, look at your Deposition. I apologize, page 39
8 --

9 JUDGE SIPPEL: '74 or '73 --

10 MR. GREENEBAUM: '73 --

11 JUDGE SIPPEL: I mean '94.

12 MR. GREENEBAUM: '94, Your Honor. We'll let you go
13 to class with us as well.

14 (Laughter.)

15 MR. GREENEBAUM: You can sit up front.

16 JUDGE SIPPEL: What page are we, again?

17 BY MR. GREENEBAUM:

18 Q We're on page 39, line 10. I asked him the same
19 question: "Do you recognize those as your W-2 statements for
20 the years 1991, 1992, and 1993?" Answer: "Yes."

21 A Well, there it is.

22 Q Do you recognize them?

23 A Yes.

24 Q Okay. And did you use these for any purpose after
25 you received them from Sinclair Broadcast Group, Inc.?

1 A I think what I'd do with them is I gave them to the
2 accountant -- my accountant to do my taxes.

3 Q What is your understanding of what a W-2 is intended
4 to reflect when it's given to someone by a corporate payor.

5 MS. SCHMELTZER: Objection. Your Honor, it calls
6 for a legal conclusion on the part of the witness.

7 JUDGE SIPPEL: This is a business -- he's an Officer
8 of the company. He should be able to answer something like
9 that. I'll, I'll -- I mean, I -- I -- he certainly could have
10 the question presented to him as a competent witness.

11 MS. SCHMELTZER: Well --

12 JUDGE SIPPEL: I'm, I'm going to overrule the
13 objection.

14 WITNESS: What was the question?

15 MR. GREENEBAUM: What is your understanding of the
16 purpose of the W-2 as given to someone from a corporate payor?

17 MS. SCHMELTZER: Objection to the form of the
18 question.

19 MR. GREENEBAUM: I'm trying not to call him an
20 employee --

21 MS. SCHMELTZER: As given to someone? Who -- to
22 whom? What -- I don't know what we're talking about here.

23 MR. GREENEBAUM: Well, I ask him. What is your
24 understanding of the purpose of a W-2?

25 WITNESS: Looking at it you can tell that it -- it's